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PDCA is the voice of the paint coating application industry.

July 7, 2015

Regulatory Management Division
US Environmental Protection Agency
Document Control Office (7407M),
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave, NW.
Washington, DC 20460-0001

Regarding: Comments as requested for the

Proposed Rulemaking for N-Methylpyrrolidone and Methylene Chloride in Paint Removers – SBAR panel outreach meeting June 15, 2016 and related information distributed by the EPA

To whom it may concern,

Preamble

In response to the Environmental Protection Agency's (Agency) request for comments concerning the proposed rulemaking of N-Methylpyrrolidone and Methylene Chloride in Paint Removers including information shared at the recent SBAR Panel meeting (June 15, 2016) , and the proposed rulemaking in general, the Painting & Decorating Contractors of America (PDCA) submit the following remarks for consideration.

PDCA is a national organization representing paint and coating application contracting businesses. In addition, beyond the membership and for the greater painting industry, we create and articulate educational resources, standards for professional and lega lly binding craftsmanship, and analogously relevant, we promulgate a code of ethics that industry constituents conduct operations in a best practice manner, which safeguard the general public, customers, associates and the environment. More d etailed organizational information may be found at www.PDCA.org.

Member companies qualify as small business entities per the definition applicable to the current regulatory process and as recognized by the three panel participants: OMB, SBA and the Agency. PDCA members are appreciative of the opportunity to participate as a small entity representative in the proposed regulation of N-Methylpyrrolidone and Methylene Chloride in Paint Removers.

The PDCA commentary is presented in three sections: Section I General Remarks, Section II Answers to the Presentation Questions and Section III Conclusion.

Section I

General Remarks

It seems that t he proposed regulation is based on error prone assumptions , which skew the hazard risks higher and business compliance and ancillary costs lower. The Agency's cited justification for the proposed rulemaking is fundamentally flawed. The EPA's designations – just two broad groups - "manufacturers and users" may not provide a reality based look into actual health risks and user costs of the suggested rulemaking, as well as costs for employing alternative paint removal methods. If the proposed rules are

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enacted, the increased removal costs will greatly impact consumers as professionals juggle to develop new stripping methods.

It is most relevant to note that there are alternative chemical paint removal mixtures in the marketplace today, however none are as efficient at removal for many projects and most are not effective on catalyzed coatings as N-Methylpyrrolidone and Methylene Chloride based removers. In general, paint and coating removal is a specialty business where most of the activity performed is executed by a trained workforce. During the SBAR Panel Meeting, an EPA staff person erroneously suggested blasting with walnut shells was an equal technique or alternative removal methodology that is as effective as N-Methylpyrrolidone and/or Methylene Chloride based paint/coating removal. Simply, that statement is inaccurate, uninformed and misleading.

Perhaps, there is a lack of trade knowledge or a simple misconception at the Agency regarding the specifics of removing paint/coatings from substrates. There are many wooden and even some metal architectural features that are not capable of withstanding any type of concentrated blasting when certain coatings have been applied. Some "gentle" blasting techniques (baking soda/walnut shells) are not effective at removing various paint/coatings. Often more aggressive blast media may cause substrate damage or at the very least, cost several times more than N-Methylpyrrolidone and/or Methylene Chloride based paint/coating removal due to engineering controls and increased labor.

Briefly, please allow us the liberty of commenting on the manufacturing N-Methylpyrrolidone and Methylene Chloride. Although PDCA is not representing manufacturers, reasonable deduction indicates that OSHA regulates employee health risks of factory/production workers while the Agency may enforce environmental impacts for the process of chemical production and other related ecological concerns including waste disposal from the same. In the proposed regulation, the EPA does not provide evidence of detrimental production worker exposures or manufacturers disregarding the environment or irresponsibly disposing of waste.

Apparently, manufacturer employee health risks and environmental damage from N-Methylpyrrolidone and Methylene Chloride production are not widespread issues. To accurately determine health risks, manufacturer's chemical production should NOT be intermingled with user health risks. The same goes for the potential compliance costs of this proposed rulemaking.

Also, whether there are 100 million tons of chemical produced or 10 billion tons, as long as the manufacturing procedures sufficiently protect workers and the environment, production quantity should not be calculated into any factory employee health hazard assessment. On the other hand, if the EPA has evidence, rather than the published "estimates", the information may be relevant to risk consideration and should be shared. PDCA comments are based on the information published to date.

Lastly regarding manufacturers, the Agency's cost analysis may be fundamentally inaccurate if big business cost structures were amalgamated with small businesses, like contractors. For any relevant cost justification manufacturers should be considered separately from users. Another point to regard, there may be some N-Methylpyrrolidone and Methylene Chloride producers that operate as qualified small businesses, yet these organizations should not be mixed with users for health risk or cost analyses.

For this proposed regulation, the EPA designates "users" under a single category. Again, this is an assumption that does not accurately reflect health risks and potential compliance costs. Firstly, the Agency mixes consumers with professional contractors under the term "users", which may be compared to stating that a patient's capacity to handle multiple prescriptions from various specialists is similar to a doctor's

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knowledge and practice of prescription assignment. In any case, professional use of N-Methylpyrrolidone and Methylene Chloride in paint removers varies greatly from consumer use.

Consumer use calculations should be considered separately and differently than professional use for any health risk hazard evaluation to be accurate and relevant. First, OSHA already regulates worker pr otection from health risks and the Agency does the same for ecological concerns for businesses that remove paint and coatings. Consumer health issues should be studied and documented aside from professionals and not lumped with trained experts.

Second, it seems that the EPA based the risk assessment and possible compliance costs on estimates that are skewed inaccurately, because of the consumer mix and also from designating all professional users under one group. Professional use of N-Methylpyrrolidone a nd Methylene Chloride vary greatly and health hazard assessment and compliance costs should be calculated accordingly. It is most reasonable to deduct that furniture refinishing facilities operate in a controlled environment; one in which the air, exhaust, personal protective equipment and the scope process can be refined to protect the worker and the environment.

In fact, the PDCA's ad hoc committee understands that there is established science indicating that the furniture refinishing industry's use of N-Methylpyrrolidone and Methylene Chloride over a significantly long time (25 plus years) has yielded unremarkable health risks. This information was not found in the Agency's published analysis. Apparently, the EPA relied on estimates that may have been innately skewed based on the mixing of inappropriate data samples.

Looking at the other professional users of N-Methylpyrrolidone and Methylene Chloride in paint removers, it seems that at least two other groups should be examined separately. The lead abatement professionals and the graffiti removals experts are specifically trained in paint and coating removal. The scale of professional knowledge and practice is vastly greater than consumer's use of paint removers and even more nuanced than other professional companies that perform limited removal services. In general, lead abatement and graffiti removal professionals execute work scopes on commonly mobile locations and at an assortment of project sites including commercial, industrial, institutional, marine and residential.

Lead abatement professionals and the graffiti removals experts are already regulated by OSHA and the Agency. In fact, very often N-Methylpyrrolidone and Methylene Chloride paint removers are employed as the "safest" methodology to abate lead-based paints . It has been established that other lead -based paint abatement methods generate more dust remnants and are not as cost effective for consumers as the N-Methylpyrrolidone and Methylene Chloride paint removers.

In addition, historical restoration projects may be inclined to "replace", rather than save older structures or significant appurtenances if the N-Methylpyrrolidone and Methylene Chloride is overburdened with regulation or taken from the marketplace by rul ing. Also, without N-Methylpyrrolidone and Methylene Chloride in paint removers, disposal and demolition may become more prominent due to replacement, which may quite possibly exacerbate processing lead-based paint and other complicated debris.

The Agency's health risk assessment "estimate" for " bystanders and adjacent workers" when considering the furniture refinishing, lead abatement and graffiti removal segments, also should not be amalgamated with other "users" since furniture coating removal is processed at a facility designed for such activity void of "bystanders" and the abatement and graffiti professionals mostly operate in segregated, non-public accessible project areas.

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Another user group that merits commentary is the Bathtub Refinishing segment. Again, this is a specialty operation and according to the ad hoc committee understanding, less than 1% of all N-Methylpyrrolidone and Methylene Chloride in paint removers are deployed here. Various covering materials and systems are used more oft en than actual bathtub refinishing. It is very relevant to consider, of the bathtubs that are refinished, most do not require coating removal. The Agency cited a worker mortality statistic that may or may not be affected by regulation.

The PDCA believes that since the amount of bathtub coating removal from N-Methylpyrrolidone and Methylene Chloride based removers is so minimal as compared to the other professional user groups, education would curb the worker mortality more effectively th an rulemaking. We reasonably conclude that if less than 1% of professional users have an issue, regulating the remaining 99% is unneeded and over burdensome. Perhaps, the Agency will consider allocating equal resources for professional education as compared to the expenditure of developing and enforcing a regulation.

Finally, it is important for PDCA to share the general perspective of paint and coating application professionals. There are many different segments in the industry and N-Methylpyrrolidone and Methylene Chloride is used to clean equipment and to remove paint and coatings. However, the use is ancillary to the craft's main purpose of professional application. Skill technicians are trained to work with a variety of chemicals; flammable, combustibl e, reactive, and more. Already, OSHA regulates employee education and protection and the EPA regulates storage and disposal.

PDCA represents thousands of industry constituents and tens of thousands of skilled workers and we have no data indicating a crisis or any issue with N-Methylpyrrolidone and Methylene Chloride in paint removers. On the contrary, like other professionally u sed solvents and products, N-Methylpyrrolidone and Methylene Chloride in paint removers is essential to the industry. When another combination of chemical removal is developed that is as efficient and effective, our best practice focus will direct us to ed ucate the greater industry largely causing a shift to the new superior products/methodology.

Section II

Answers to the Presentation Questions

The following is from materials distributed for the June 15 SBAR meeting.

EPA: For all users of paint removers (all industries):
4) Current work practices related to paint removal:

a. How often do you conduct paint or coating removal?
The frequency varies depending on market segment. Unless the professional paint and coating application business a lso wor ks in lead abatement and/ or graffiti removal, the frequency outside of equipment cleaning is occasional…perhaps monthly or quarterly.

i. Do you typically use chemical or mechanical means to remove paint? (sanding, heat gun, blasting, other)?
Please know that wholesale paint/coating removal is NOT typical preparation for repainting. Removal is a specialty and not typical. Heat gun removal use is not common. Blasting is almost exclusively limited to industrial and typical used on steel and some masonry substrates.

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ii. What factors into your decision whether to use chemical or mechanical methods of paint removal?
Professionals perform individual project risk assessments and if the scope requires removal, the most effective methodology is employed. N-Methylpyrrolidone and Methylene Chloride chemical based removal is an essential option for many projects.

b. How significant is paint or coating removal to your business overall?
Please see 4a

c. Coatings:
i. What type of coatings do you most frequently remove?
For application professionals outside of lead abatement and graffiti removal, failed coatings from age and improper maintenance or non-professional application are the most frequent reasons for removal.

ii. How many layers of coating do you most frequently remove?
Coating layers vary by project and often depend on age. N-Methylpyrrolidone and Methylene Chloride based paint removers are the most effective for many projects and very effective multiple coating layers.

iii. Do any particular coatings or substrates present special challenges for removal?
Yes, some projects the challenge may be restoring the substrate, while others may be the removal of catalyzed coatings…or an abundance of coating mil thickness. N-Methylpyrrolidone and Methylene Chloride based paint removers are the most effective in these circumstances.

d. How does the time to remove paint vary by method or chemical used?
Since time equates to customer cost in the form of labor hours, it is unet hical to perform a removal scope not alerting the customer that the methodology is not the most efficient. Chemical removal has become more effective, since lead abatement has been regulated. For that type of project, the use of N-Methylpyrrolidone and Methylene Chloride based paint removers is already regulated.

e. Do you tend to look for specific chemicals in your paint removers, or do you prefer to look for brand names or product names?
Each professional is individual and some find success with a particular brand and stay with it. Also, the concentration of N-Methylpyrrolidone and /or Methylene Chloride varies by product so the performance characteristics are generally matched to the project scope's needs.

i. How do you know which chemicals are in the products you are using?
Professionals are trained to read the manufacturer's ingredient data so appropriate PPE may be worn, proper product storage and disposal and effective work performance may be executed (existing regulations from OSHA & EPA).

ii. What are trusted sources of information for you about products or chemicals used in your business?
Manufacturer and the PDCA network are common and trusted resources.

f. What do you feel is the most important factor in paint removal: client preference, dwell time, ease of removing the coating, impact on the substrate, price of materials, worker safety, total job time, or other factors?
Every factor is important; however public, customer, worker and environmental safety take top priority.

5) Using methylene chloride or NMP in your business:
a. How is methylene chloride or NMP currently used in your business?

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Please see 4a, 4ai & 4aii

i. How often do you use methylene chloride? In what context?
ii. **Please see 4a, 4ai & 4aii**

iii. How much methylene chloride does your business use in a typical year?
For paint and coating application professionals outside of lead abatement and graffiti removal, the quantity may be measured from a few gallons to 100 gallons depending on company size and project scopes.

iv. How often do you use NMP? In what context?
Please see 5aiii. The context for paint and coating application professionals is mostly as a solvent.

v. How much NMP does your business use in a typical year?
Please see 5aiii.
vi. Do you use NMP as a substitute for methylene chloride?
In general, no… NMP does not remove certain coatings or multiple layers as effectively as methylene chloride, however depends on the use purpose.

vii. What quantities do you purchase? (gallon containers, 55-gallon drums, etc.)
Please see 5aiii…similar to methylene chloride purchasing…specialty product; not everyday use.
Would a requirement to purchase material in a 55-gallon drum significantly affect your business?
Yes, that concept is ridiculous paint and coating application professionals.

viii. Where/how do you purchase these products (distributor/direct sales, store, etc)?
Professional paint and coating application businesses purchase the larger part of supplies from industry specific stores, commercial outlets and to a lesser degree big box stores.

viii. How much do product labels (particularly hazard labels on products) inform your use of the paint remover?
In general, professionals are informed and research product.

b. If paint removers containing methylene chloride or NMP were not available, what would the impacts be on your business?
The impacts are immediately negative, equipment may have to be replaced, rather than cleaned (very costly) and project scopes may change dramatically and scope performance costs would increase significantly.

c. What are the benefits to your business of using methylene chloride or NMP?
Professionals need these chemicals until equally or more effective alternatives are developed.
Please see general comments – Section I.

d. What are the challenges to your business of using methylene chloride or NMP?
Professionals following existing OSHA & EPA regulations have only the cumbersome rules to follow as a challenge. Responsible businesses will protect the public, customers, employees and the environment whether there are rules to follow or not.

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e. We have he ard that many businesses involved in repainting or refinishing aircraft, marinecraft, bathtubs, and cars are moving away from using methylene chloride in paint removal. In your experience, is this correct?
Not applicable to paint and coating application bu siness with the exception of a very small percentage that perform bathtub refinishing. Again, most bathtubs do not require wholesale removal for refinishing. However, for bathtub coating removal, methylene chloride is the preferred active removal agent.

6) Exposure reduction for workers
a. What are your experiences with:
i. Installing or updating ventilation and local exhaust
OSHA regulations require that professionals implement appropriate engineering protocols for all project scopes for the protection of workers. PPE and appropriate equipment must be used to perform skilled work.

ii. Installing or operating other engineering controls
Please 6ai
iii. Equipment changes to reduce exposures
Please 6ai

iv. Monitoring worker exposures to chemicals in the air
Depends on project scope and circumstance; this already regulated by OSHA
v. Air-supplied respirators
Please see above
vi. Specialized gloves (such as Silver Shield
Please see above

vii. Other personal protective equipment
Please see above

viii. Worker training to reduce exposures
Please see above

b. If you have changed or updated your exposure reduction technology or methods, how long did that process take?
Appropriate engineering controls and PPE are regularly updated as technology provides opportunities to reduce risk.

c. What do you do to comply with OSHA standards for methylene chloride?
Please see above

d. What do you currently do to reduce environmental releases of methylene chloride? **Professionals follow approved procedures and depending on the scope or chemical purpose may additionally check with local and/or state officials.**

How do you manage emissions and waste disposal?
Please see above

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e. Have you had any worker incidents, accidents, or complaints related to paint removal?
PDCA does not collect such data, however we follow industry trends closely and have access to a large network of professional N-Methylpyrrolidone and Methylene Chloride based paint remover users.

i. Do you have concerns about worker exposure to methylene chloride?
No…PDCA is always concerned for worker safety in general. Methylene chloride does not pose an extraordinary concern.

ii. What do you do to address worker risks or concerns for chemical exposures, and specifically for methylene chloride?
Please see above

f. Have you received any customer feedback about methylene chloride use?
No, PDCA's experience shows that customers are concerned with achieving results cost effectively, safely and environmentally responsibly.

g. Do you have concerns about worker exposure to NMP?
No…PDCA is always concerned for worker safety in general. NMP does not pose an extraordinary concern.

i. What do you do to address worker risks or concerns for chemical exposures, and specifically for NMP?
Please see above

h. Have you received any customer feedback about NMP use?
No, PDCA's experience shows that customers are concerned with achieving results cost effectively, safely and environmentally responsibly.

7) Substitutes and alternatives:
a. What alternative chemicals or methods have you tried, and what are the results?
No other chemical paint removers are effective as methylene chloride for certain scopes. Professionals have a wide range of experience and industry knowledge.
b. What is the impact of dwell time for any substitutes, and are there any workarounds?
Depends on the project scope, often chemical removal or solvent cleaning is the best methodology and Methylene chloride and/or NMP is the only appropriate choice.

c. How do you learn about new chemicals, products, or methods for paint removal? (sales representative or materials, trade press, other?)
PDCA serves as an informational hub, industry professional publications and manufacturer's representatives.

d. If you have tried or switched to alternative chemicals or methods, how long did that process take?
Again, professionals are trained experts and many have years of experience, for many scopes, there are no alternatives Methylene chloride and NMP.

e. What resources or tools does you need to move to adopting alternatives to Methylene chloride and NMP?
When one becomes available, professionals would utilize a more effective chemical removal option.

f. Chemical replacement:
i. What is important to you when considering chemical replacement or process change? (ease of use, flammability, efficacy, speed, price, other)

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Please see General Remarks

ii. Have you replaced chemicals, products, or processes in the past?
Yes, technology has revolutionized some paint and coatings and professionals have changed procedures and tools/equipment to perform specific applications.

8) Regulatory options
a. Which of the regulatory options presented today would you recommend?
NONE…the education option makes the most sense.
b. Cost estimates: In your experience, are the cost estimates accurate for both options presented?
Absolutely not; please see general comments.

c. Can you think of ways to add flexibility to this rulemaking for your small business?
Yes, small business and specific industries must remain an integral part of any proposed regulation. Also, costs impacts to small businesses a priority when developing any rules. Most importantly, the EPA must be data driven, not "estimate" driven, as well as each regulation must empirically show its affect or be terminated.
d. How do you learn about EPA regulations and what you should do to comply?
PDCA represents the industry and a sincere makes an effort to follow governmental rule development.
e. What is the best way to reach out to members of your industry?
Professionals respond to education efforts more readily than regulations.

SBAR Panel Discussion Questions – Paint Removers
Additional questions for paint remover users conducting renovations in residences, hotels, etc.:
1) General questions:
a. Who are your customers? (Individuals, hotels, apartment building owners, property managers, non - residential building owners, others)
Professionals perform work scopes for varies segments. Please see Section I General Remarks.

b. How much do client preferences determine how paint is removed?
Depends on the situation…it is more common for the professional to specify a removal procedure.

Section III

Conclusion

Due to time constraints of the PDCA's ad hoc committee regarding the proposed Rulemaking for N - Methylpyrrolidone and Methylene Chloride in Paint Removers , the conclusion may be uncharacteristically short and may not emphasize every salient aspect why the EPA should reconsider this proposed rule . With that in mind, PDCA notifies the SBAR panel that at a later opportunity some portions of the commentary may be expanded.

In general, PDCA follows the conviction that proposed federal rules must be based on empirical evidence, not error prone assumptions based on estimated data. Further, new regulation should not in any way impinge or complicate other existing federal rules. We adhere to the concept that all rules must not be over burdensome, unnecessary or questionably justified. PDCA strongly supports a regulat ory model where Agency rules are developed through a transparent process that stakeholders can easily see their input affect outcomes and all cited information and related research have the capacity to navigate through a well -thought, vigorous and independent review.

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Further, please consider that resources expended for education may be more effective in addressing health hazards, rather than adding rules to the existing OSHA and EPA documents. The contractor compliance and ancillary costs are high and over bu rdensome for the proposed rulemaking. Lastly, any worthwhile proposal should have a data based measuring mechanism with the facility to illustrate rule effectiveness.

PDCA urges the EPA, OMB and SBA to postpone the proposed rulemaking until such a time that improved data may be considered and to specifically separate manufacturers and consumers from profession al users. Simply put, once the irrelevant data is subtracted, PDCA does not foresee any need or health risk benefits for the proposed regulation.

Respectfully submitted,

Mark Casale, Advisor to PDCA
CC: Rob French, Chair; Ad Hoc Committee; Steve Skodak, Executive Director